

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DANIELLE C. LANGDON,**

Plaintiff,

**-vs-**

**Case No. 14-C-1445**

**CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,**

Defendant.

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**DECISION AND ORDER**

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Plaintiff Danielle C. Langdon (“Langdon”) seeks leave to proceed *in forma pauperis* (“IFP”) (ECF No. 2) on her appeal from the denial of her application for disability insurance benefits. In order to authorize a litigant to proceed IFP, the Court must make two determinations: First, whether the litigant is unable to pay the costs of commencing this action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a) and (e)(2)(B)(i). The Court must deny a request to proceed IFP if (1) the allegation of poverty is untrue; (2) the action is frivolous; (3) the action fails to state a claim; or (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2).

By her petition and affidavit to proceed IFP, Langdon avers that she is unemployed, single, and that she and her former husband have joint

responsibility for supporting their two minor sons, although she has actually provided the “vast majority” of the support. (Pet. & Aff. 2.) Langdon receives \$340 in public assistance, \$300 in child support (which may change within the next couple of weeks), and \$400 in spousal support. She owns a 1998 Dodge Durango worth \$800 and a 2005 Harley-Davidson Sportster worth \$2,500. She does not own a residence.

She has \$9,611 in a 401(k) account and \$7,332 in an IRA. She has about \$6,500 in a savings account from the settlement of a 2009 motor vehicle accident, and she has been using that money to support herself and her children since February 2010. She also owes \$15,200 for student loans, which are currently deferred. Langdon’s monthly expenses, which fluctuate, exceed her income by \$100 or more.

While it is a close question, based on the information provided, Langdon has satisfied the requirements of 28 U.S.C. § 1915(a) by demonstrating that she is unable to pay the \$350 filing fee for this action. Furthermore, Langdon’s Complaint states an arguable claim for relief. Accordingly, Langdon’s petition for leave to proceed IFP is granted.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS  
HEREBY ORDERED THAT:**

Langdon's petition for leave to proceed IFP (ECF No. 2) is  
**GRANTED.**

Dated at Milwaukee, Wisconsin, this 21st day of November, 2014.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**